

# Conformity Requirements for State UC Laws

## *Approved Training*

### **Background**

Section [3304\(a\)\(8\)](#), FUTA, requires that compensation not be denied to an individual for any week that the individual is in training with the approval of the state agency, or because of the application, to any week in approved training, of state law provisions related to availability for work, active search for work, or refusal to accept work.

All state laws provide that UC shall not be denied to an otherwise eligible individual for any week during which s/he is attending a training course with the approval of the state agency. This provision is designed to encourage claimants to attend training that will enhance their reemployment opportunities.

### **Frequently Asked Questions**

#### 1. What are the criteria for approved training?

Federal law does not specify the criteria that states must use in approving training. Generally, states limit approved training to technical, vocational or basic education training, thereby excluding regularly enrolled college or university students from collecting benefits under the approved training provision. Each state is generally free to determine what training is appropriate and what criteria are established for approval of training. However, states are required to apply reasonable criteria established for the approval of training. (See [UIPL 2-96](#).) Examples of such reasonable criteria include:

- The claimant's skills must be obsolete, or employment opportunities for the claimant in that labor market must be found to be minimal and not likely to improve.
- The claimant must possess aptitudes or skills that can be usefully supplemented within a short time by retraining.
- The training must be for an occupation for which there is a substantial and recurring demand.

Additionally, states may require the claimant to produce evidence of continued attendance and satisfactory progress.

#### 2. May a state limit approval of training to only that which is offered within that state?

No. Individuals cannot always reasonably be expected to commute to training in a state in which they do not reside. Limiting training to what is available within a state would discourage participation in training and would create an unreasonable burden for workers who reside elsewhere than in the state in which they worked and earned their right to benefits.

Congressional intent was clear that the approved training provision was “to act to remove the impediments to training which remain in the UI system.” See [UIPL 2-96](#) for a more complete discussion of this question and the legal basis for the Department’s position.

3. May state law provide for an additional benefits (AB) program that is limited to claimants in approved training?

Yes. A few states have state-financed programs for extending the potential duration of UC benefits during periods of high unemployment to those claimants who are in approved training. These programs have been determined to be consistent with Federal UC law.

## **References**

[Orange Book](#). Draft Legislation to Implement the Employment Security Amendments of 1970 (pp. 62-63.)

[UIPL 1276](#). Discusses agency approval of training and reasonable criteria.

[UIPL 2-96](#). Explains the Department's position that restricting training approval to that which is provided within the state is inconsistent with Federal law.